

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	
	§	
SUSAN L. HERTZBERG (1)	§	
MATTHEW JOHN THEILER (2)	§	
DAVID WELDON KRAUS (3)	§	
JEFFREY PAUL PARNELL (4)	§	
THOMAS GRAY HARDAWAY (5)	§	No. 6:22-cr-3-JDK-JDL
JEFFREY PAUL MADISON (7)	§	
TODD DEAN COOK (8)	§	
WILLIAM TODD HICKMAN (9)	§	
CHRISTOPHER ROLAND GONZALES (10)	§	
JORDAN JOSEPH PERKINS (12)	§	
ELIZABETH RUTH SEYMOUR (13)	§	
LINH BA NGUYEN (14)	§	
THUY NGOC NGUYEN (15)	§	
JOSEPH GIL BOLIN (16)	§	
HERIBERTO SALINAS (17)	§	
HONG DAVIS (18)	§	

**ORDER DESIGNATING CASE AS COMPLEX
AND CONTINUING TRIAL**

The Federal Grand Jury for the Eastern District of Texas indicted all defendants in this case on January 13, 2022. The case is currently set for jury selection and trial on August 22, 2022. On June 16, 2022, Defendant Elizabeth Seymour, the Government, and several other defendants moved to designate this case as “complex” and requested that the Court continue the trial of this matter to September 2023. Docket No. 299. As explained below, the Court **GRANTS** the motion.

The parties assert that this case is complex under 18 U.S.C. § 3161(h)(7)(B)(ii) due to the number of defendants, the nature of the prosecution, and the volume of discovery. Specifically, the Government has indicted eighteen individuals in this case and is alleging a conspiracy that dates to 2015. In March 2022, the Government provided roughly 1.24 terabytes of discovery in excess of 2 million documents. Accordingly, based on the complexity of this case, the parties argue that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendants in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7).

The Court agrees. Pursuant to 18 U.S.C. § 3161(h)(7), the Court finds that:

1. Defendants make this request knowingly, intelligently, and voluntarily.
2. Additional time is needed due to the complexity of this case, including the number of defendants, the nature of the prosecution, and the volume of discovery.
3. This continuance will provide additional time for counsel to engage in the review, analysis, preparation, assimilation, and negotiation contemplated by the requirements of effective assistance of counsel under the Fifth and Sixth Amendments to the U.S. Constitution.
4. The ends of justice served by granting a continuance outweigh the best interests of the public and the defendants in a speedy trial.

5. Failure to grant a continuance in this case will likely result in a miscarriage of justice.

6. As to the defendants who did not join this motion, this continuance represents “a reasonable period of delay” pursuant to § 3161(h)(6).

7. The period of delay due to this motion for continuance is the period from the date of the motion through the date of the new trial setting, and this is excludable time under the Speedy Trial Act.

IT IS THEREFORE ORDERED that the joint motion for a special setting is **GRANTED**. This case is hereby **CONTINUED** and **RESET** as to Defendants Susan L. Hertzberg (1), Matthew John Theiler (2), David Weldon Kraus (3), Jeffrey Paul Parnell (4), Thomas Gray Hardaway (5), Jeffrey Paul Madison (7), Todd Dean Cook (8), William Todd Hickman (9), Christopher Roland Gonzales (10), Jordan Joseph Perkins (12), Elizabeth Ruth Seymour (13), Linh Ba Nguyen (14), Thuy Ngoc Nguyen (15), Joseph Gil Bolin (16), Heriberto Salinas (17), and Hong Davis (18) with new dates and deadlines as follows:


Deadlines:

Pretrial motions deadline: (except motions for a continuance)	July 10, 2023
Deadline to notify Court of plea agreement or move for a continuance:	July 17, 2023 by 12:00 p.m.

Court Settings:

Pretrial Conference:	September 11, 2023 at 1:30 p.m.
Jury Selection and Trial:	September 18, 2023 at 9:00 a.m.

So **ORDERED** and **SIGNED** this **28th** day of **July, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE